

To: **Ex. 6 - Personal Privacy** Distefano, Nichole[Distefano.Nichole@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]
From: Garbow, Avi
Sent: Fri 1/13/2017 1:57:46 PM
Subject: Fwd: Letter of Concern Related to Civil Rights Administrative Complaint # 11R-14-R4 Against the North Carolina Department of Environmental Quality

FYI

Avi Garbow
General Counsel, US EPA

Sent from my iPhone

Begin forwarded message:

From: "Dorka, Lilian" <Dorka.Lilian@epa.gov>
To: "Garbow, Avi" <Garbow.Avi@epa.gov>, "Shenkman, Ethan" <Shenkman.Ethan@epa.gov>
Cc: "Fritz, Matthew" <Fritz.Matthew@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "O'Lone, Mary" <OLone.Mary@epa.gov>, "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Subject: FW: Letter of Concern Related to Civil Rights Administrative Complaint # 11R-14-R4 Against the North Carolina Department of Environmental Quality

Hello Avi and Ethan, here is a copy of the letter just sent to DEQ (and transmittal email below.) I am also sending a copy of the letter to the Complainants (see paragraph 2 of email to Ross.)

Note that Ken Lapierre will be speaking with Acting Secretary Ross tomorrow morning and will tell him that this is a great opportunity to work collaboratively to address these concerns and that Region 4 stands ready to help, etc.

I have a desk statement that I will be sending to Nancy shortly. Please let me know if you have any questions. Thanks for all of your help and support! Lilian

Lilian Sotolongo Dorka
Director, External Civil Rights Compliance Office
EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

From: Dorka, Lilian

Sent: Thursday, January 12, 2017 8:40 PM

To: 'William.Ross@ncdenr.gov' <William.Ross@ncdenr.gov>

Cc: Lapierre, Kenneth <lapierre.kenneth@epa.gov>; Packard, Elise

<Packard.Elise@epa.gov>; 'Hayes, Sam M' <sam.hayes@ncdenr.gov>;

'bill.ross@ncdenr.gov' <bill.ross@ncdenr.gov>; 'sam.hayes@ncdenr.gov'

<sam.hayes@ncdenr.gov>; 'william.g.ross@ncdenr.gov' <william.g.ross@ncdenr.gov>

Subject: Letter of Concern Related to Civil Rights Administrative Complaint # 11R-14-R4
Against the North Carolina Department of Environmental Quality

Dear Secretary Ross:

Attached, please find a Letter of Concern regarding the administrative complaint filed with EPA's External Civil Rights Compliance Office (ECRCO) against the North Carolina Department of Environmental Quality (NC DEQ), No. 11R-14-R4. This letter has also been mailed to you via certified mail.

Please note that, consistent with EPA's goal to promote appropriate involvement by complainants and recipients in the external complaint process, we have provided to the Complainants a copy of the attached Letter of Concern. (See ECRCO's Case Resolution Manual at https://www.epa.gov/sites/production/files/2017-01/documents/final_epa_ogc_ecrco_crm_january_11_2017.pdf and EDRCO's policy, Title VI of the Civil Rights Act of 1964: Role of Complainants and Recipients in the Title VI Complaints and Resolution Process at <https://assets.documentcloud.org/documents/2178959/final-roles-of-complainants-and-recipients-issue.pdf>.) ECRCO considers this letter part of its ongoing investigation. So, while this letter has been provided to the Complainants, ECRCO does not consider this letter a public document.

Thank you for your attention to this matter. I look forward to speaking with you about the attached letter.

Sincerely,

Lilian Sotolongo Dorka

Director, External Civil Rights Compliance Office

EPA, Office of General Counsel

To: Harrison, Melissa[Harrison.Melissa@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Benenati, Frank[benenati.frank@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Conger, Nick
Sent: Fri 10/7/2016 2:01:43 PM
Subject: RE: The Daily Tar Heel-Interview Request

I'll handle with OCR.

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

Cell: (202) 412-2655

From: Harrison, Melissa
Sent: Friday, October 07, 2016 9:45 AM
To: Garbow, Avi <Garbow.Avi@epa.gov>; Benenati, Frank <benenati.frank@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>
Subject: RE: The Daily Tar Heel-Interview Request

Looping in Nancy/Nick who can reach out. I believe we have a backgrounder and/or statement.
Thanks! Melissa

Melissa J. Harrison

Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

Office: (202) 564-8421

Mobile: (202) 697-0208

Harrison.Melissa@epa.gov

From: Garbow, Avi
Sent: Friday, October 07, 2016 9:41 AM
To: Benenati, Frank <benenati.frank@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>
Subject: Fwd: The Daily Tar Heel-Interview Request

FYI

Avi Garbow

General Counsel, US EPA

Sent from my iPhone

Begin forwarded message:

From: JoLynn Smith <jolynnsmith27@gmail.com>
Date: October 7, 2016 at 7:31:46 AM MDT
To: Garbow.avi@epa.gov
Subject: The Daily Tar Heel-Interview Request

Mr. Garbow,

I am a staff writer for The Day Tar Heel. Currently I am working on an article about North Carolina's petition against the hog farming industry that was filed earlier this week in Washington D.C.

Would you be available for a phone interview at some point today to discuss the topic?

Thanks,

JoLynn

To: Garbow, Avi[Garbow.Avi@epa.gov]; Benenati, Frank[benenati.frank@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Conger, Nick[Conger.Nick@epa.gov]
From: Harrison, Melissa
Sent: Fri 10/7/2016 1:44:45 PM
Subject: RE: The Daily Tar Heel-Interview Request

Looping in Nancy/Nick who can reach out. I believe we have a backgrounder and/or statement.
Thanks! Melissa

Melissa J. Harrison

Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

Office: (202) 564-8421

Mobile: (202) 697-0208

Harrison.Melissa@epa.gov

From: Garbow, Avi
Sent: Friday, October 07, 2016 9:41 AM
To: Benenati, Frank <benenati.frank@epa.gov>; Harrison, Melissa
<Harrison.Melissa@epa.gov>
Subject: Fwd: The Daily Tar Heel-Interview Request

FYI

Avi Garbow

General Counsel, US EPA

Sent from my iPhone

Begin forwarded message:

From: JoLynn Smith <jolynnsmith27@gmail.com>
Date: October 7, 2016 at 7:31:46 AM MDT
To: Garbow.avi@epa.gov
Subject: The Daily Tar Heel-Interview Request

Mr. Garbow,

I am a staff writer for The Day Tar Heel. Currently I am working on an article about North Carolina's petition against the hog farming industry that was filed earlier this week in Washington D.C.

Would you be available for a phone interview at some point today to discuss the topic?

Thanks,

JoLynn

To: Garbow, Avi[Garbow.Avi@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Shenkman, Ethan[Shenkman.Ethan@epa.gov]
From: Packard, Elise
Sent: Wed 1/21/2015 8:02:41 PM
Subject: REACH decision points plan
REACH potential decision points 1 21 2015 C.docx

Hi Avi,

Hope this helps address where the cut-of points in the process would be. Please let us know if there is any more information that would be helpful!

Thanks.

Elise

Elise B. Packard

Associate General Counsel for Civil Rights and Finance

U.S. EPA Office of General Counsel, Rm. 7353C

(202) 564-7729

To: KeyesFleming, Gwen
(KeyesFleming.Gwendolyn@epa.gov)[KeyesFleming.Gwendolyn@epa.gov]
From: Garbow, Avi
Sent: Wed 1/21/2015 11:24:54 PM
Subject: FW: REACH decision points plan
REACH potential decision points 1 21 2015 C.docx

Gwen,

See attached re: REACH. I can explain. Let me know if you'd like to connect by phone tonight.

Avi

Avi Garbow

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

From: Packard, Elise
Sent: Wednesday, January 21, 2015 3:03 PM
To: Garbow, Avi
Cc: Rhodes, Julia; O'Lone, Mary; Shenkman, Ethan
Subject: REACH decision points plan

Hi Avi,

Hope this helps address where the cut-of points in the process would be. Please let us know if there is any more information that would be helpful!

Thanks.

Elise

Elise B. Packard

Associate General Counsel for Civil Rights and Finance

U.S. EPA Office of General Counsel, Rm. 7353C

(202) 564-7729

To: Fritz, Matthew[Fritz.Matthew@epa.gov]
From: Garbow, Avi
Sent: Thur 9/8/2016 2:45:10 AM
Subject: Re: FOLLOW UP CALL WITH MARIANNE TO FINALIZE -- Request for a Meeting

You in Merida? Hope travels good so far.

Avi Garbow
General Counsel, US EPA

Sent from my iPhone

On Sep 7, 2016, at 9:42 PM, Fritz, Matthew <Fritz.Matthew@epa.gov> wrote:

Lilian,

I can make the 5th work.

On Sep 7, 2016, at 4:55 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hello Everyone, I just spoke with Marianne about finalizing this meeting. She would prefer to meet on October 5th or 6th in order to give the complainants, who will be traveling up from NC, a little more time to plan this trip. She understands that Avi will not be available on either of these dates but is willing to go forward if all others are available: Matt F – subject to something coming up needing his attention; Ethan/Elise for Avi; Matt T, Mustafa and Charles; Ken and me.

Can those listed above please let me know by noon tomorrow whether you would be available on October 5th from 3:00-4:00 PM?

Alternative time/date:

October 5th from 4:00-5:00 PM

October 6th from 10:00-11:00 AM

Thanks very much! Lilian

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Dorka, Lilian

Sent: Tuesday, August 30, 2016 4:07 PM

To: Ali, Mustafa <Ali.Mustafa@epa.gov>

Cc: Veney, Carla <Veney.Carla@epa.gov>; Fritz, Matthew <Fritz.Matthew@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Lapierre, Kenneth <lapierre.kenneth@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; mcteer_toney.heather@epa.gov; O'Lone, Mary <olone.mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: RE: Request for a Meeting

Thanks so much Mustafa.

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Ali, Mustafa

Sent: Tuesday, August 30, 2016 3:52 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Veney, Carla <Veney.Carla@epa.gov>; Fritz, Matthew <Fritz.Matthew@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Lapierre,

Kenneth <Lapierre.Kenneth@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; mcteer_toney.heather@epa.gov; O'Lone, Mary <OLone.Mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: Re: Request for a Meeting

Lilian,

I'm in South Carolina at the moment. Feel free to move forward and I will call in if I can on the 23rd. If the meeting moves to October I'm available on the 5th & 6th.

Blessings

Mustafa

Sent from my iPhone

On Aug 30, 2016, at 3:05 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

OK good to know. It looks like the 23rd will not work for Mustafa so we will need to figure this out.

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Veney, Carla

Sent: Tuesday, August 30, 2016 1:15 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Fritz, Matthew <Fritz.Matthew@epa.gov>; Ali, Mustafa

<Ali.Mustafa@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>;
Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; HALIM-CHESTNUT,
NAIMA <Halim-Chestnut.Naima@epa.gov>; mcteer_toney.heather@epa.gov;
O'Lone, Mary <OLone.Mary@epa.gov>; Covington, Jeryl
<Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell,
Ericka <Farrell.Ericka@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>;
Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise
<Packard.Elise@epa.gov>

Subject: RE: Request for a Meeting

Avi will be on travel October 5th and 6th.

From: Garbow, Avi

Sent: Tuesday, August 30, 2016 12:16 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Fritz, Matthew <Fritz.Matthew@epa.gov>; Ali, Mustafa

<Ali.Mustafa@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>;

Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; HALIM-CHESTNUT,

NAIMA <Halim-Chestnut.Naima@epa.gov>; mcteer_toney.heather@epa.gov;

O'Lone, Mary <OLone.Mary@epa.gov>; Covington, Jeryl

<Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell,

Ericka <Farrell.Ericka@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>;

Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise

<Packard.Elise@epa.gov>; Veney, Carla <Veney.Carla@epa.gov>

Subject: Re: Request for a Meeting

Adding Carla Veney.

Avi Garbow

General Counsel, US EPA

Sent from my iPhone

On Aug 30, 2016, at 12:12 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hello everyone, I heard back from Marianne that of the dates we provided, it looks like September 23rd might work. If you could please hold the

afternoon of 9/23, I would appreciate it, until she can confirm a time. She also asked if I would check on the afternoon of October 5th and 6th.

Is there anyone who cannot make October 5th or 6th between 2:00 and 5:00?
Thanks very much! Lilian

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Dorka, Lilian

Sent: Monday, August 29, 2016 8:46 PM

To: Fritz, Matthew <Fritz.Matthew@epa.gov>; Ali, Mustafa <Ali.Mustafa@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Lapierre, Kenneth <lapierre.kenneth@epa.gov>

Cc: HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; 'mcteer_toney.heather@epa.gov' <mcteer_toney.heather@epa.gov>; O'Lone, Mary <olone.mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: RE: Request for a Meeting

Hi all, just wanted to let you know that based on the feedback I received re your availability, here is what it looks like and proposed dates I will be sharing with Marianne tomorrow morning. Thank you!

9/13: 2:30 – 3:30

9/19: 4:00 – 5:00

9/23: 2:30 – 3:30

3:30 – 4:30

4:30 – 5:30

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Dorka, Lilian

Sent: Monday, August 29, 2016 11:07 AM

To: Fritz, Matthew <Fritz.Matthew@epa.gov>; Ali, Mustafa <Ali.Mustafa@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Lapierre, Kenneth <lapierre.kenneth@epa.gov>

Cc: HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; 'mcteer_toney.heather@epa.gov' <mcteer_toney.heather@epa.gov>; O'Lone, Mary <olone.mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: RE: Request for a Meeting

Importance: High

Hello Matt, Avi, Mustafa, Matt and Ken – I have a call scheduled with Marianne for 9:00 AM tomorrow to give her some possible dates for this meeting. Could you please tell me by COB today whether any of these dates DO NOT work for you? I will try to accommodate everyone's availability. I am trying to schedule a 1 hour meeting.

(They tend to ask for afternoon meetings.) Thanks! Lilian

9/13: 2:30-3:30; 3:30-4:30; or 4:30-5:30

9/14: 3:00-4:00; or 4:00-5:00

9/15: 1:00-2:00; or 2:00-3:00

9/16: Anytime between 1:00 and 4:00

9/19: 3:00-4:00; or 4:00-5:00

9/22: 1:00-2:00; 2:00-3:00

9/23: 2:30-3:30; 3:30-4:30; or 4:30-5:30

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]

Sent: Friday, August 19, 2016 5:50 PM

To: Fritz, Matthew <Fritz.Matthew@epa.gov>; Ali, Mustafa <Ali.Mustafa@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>

Cc: Alexis Andiman <aandiman@earthjustice.org>; 'Haddix, Elizabeth McLaughlin' (emclaugh@email.unc.edu)' <emclaugh@email.unc.edu>; 'Ducharme, Brent' <ducharme@email.unc.edu>; 'Dorosin, Mark' (dorosin@email.unc.edu)' <dorosin@email.unc.edu>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; 'mcteer_toney.heather@epa.gov' <mcteer_toney.heather@epa.gov>

Subject: Request for a Meeting

Dear Mr. Fritz, Mr. Garbow, Mr. Ali, Ms. Dorka, and Mr. Tejada,

I'm writing on behalf of the North Carolina Environmental Justice Network, REACH and Waterkeeper Alliance, Inc. to request a meeting to discuss the impact of swine facilities in Eastern North Carolina operating under the state permit granted by North Carolina's Department of Environmental Quality (DEQ) and, particularly, the status of the investigation into whether DEQ violated Title VI and EPA regulations in permitting more than 2,000 swine CAFOs without conducting a disparate impact analysis and without sufficient protection of people's health and the environment, all of which has a disparate impact on the basis of race and national origin.

Complainants have invited OCR to come to North Carolina to speak with them and tour the area as part of its investigation, but OCR has not yet visited the community. At this point, also, almost two years have passed since we filed the complaint. The investigation is something of a black box for complainants, so it is hard to know whether the investigation is proceeding in a thorough and diligent way. Our clients want to convey to EPA directly how this permit daily affects their lives and request a meeting for this purpose. Representatives of each group are willing to travel to Washington to meet with you. As you know, it's often helpful to get into a room together to discuss an issue. We were hoping to find a date in September, which marks the second anniversary of the filing date.

Please let me know the best way to proceed with making arrangements for the meeting and who might serve as a point person in order to put a date on the calendar. I'm also cc'ing my co-counsel at Earthjustice and the UNC School of Law Center for Civil Rights.

I appreciate your attention.

Best,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

<image001.gif>

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If you think that you have received this email message in error, please notify the sender by reply email and

delete the message and any attachments.

To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
From: Covington, Jeryl
Sent: Fri 4/15/2016 5:15:06 PM
Subject: Automatic reply: REACH 11R-14-R4 - interview with Dr. Wing

I am currently out of the office.

To: Shaw, Betsy[Shaw.Betsy@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Dorka, Lilian[Dorka.Lilian@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; O'Lone, Mary[o'lone.mary@epa.gov]; Harrell, Collette[Harrell.Collette@epa.gov]
Sent: Wed 3/9/2016 4:45:21 PM
Subject: EPA OCR Complaint 11R-14-R4 (ADR)

Hello Betsy, Mike and Larry. I'm writing to let you know that Marianne Lado Engelman of Earthjustice, the lead representative for complainants, has contacted me regarding REACH. the Title VI discrimination complaint which alleges race and national origin discrimination related to swine feeding operations in North Carolina. Ms. Lado Engelman advised that the complainants have concluded that ADR is unproductive; they therefore request that OCR reinstate its investigation. In requesting recommencement of the investigation, Ms. Lado Engelman stated:

“Finally, we wanted to mention that our initial mediation session was interrupted by an effort by the National and North Carolina Pork Councils to interject themselves into the mediation process. Despite the terms of ADR, which included a requirement that mediation be confidential, and despite our clear opposition to their self-styled “motion to intervene” in the complaint and mediation process, five representatives from the Pork Council appeared without notice to Complainants at the first mediation session. Their presence and insistence at playing a role in mediation delayed the start of our session and acted as a form of intimidation of our clients. Representatives from DEQ failed to object to the behavior. Indeed, quite the opposite, they tried to persuade Complainants to consent to bringing the Pork Councils into mediation. We thought it was relevant and important to bring these events to your attention.”

FYI, in response to the councils' request to intervene in ADR, in or about January, I notified the requesters that the parties would have to agree to include them and that OCR does not participate in ADR. Ms. Lado Engelman was copied on the response.

As ADR has ended, OCR will relaunch its complaint investigation. Shortly after OCR began the investigation, you provided POCs for your office. We realize that they may have changed. Would you please provide the names of current POCs ASAP and by Friday, 3/18?

Thank you for your ongoing assistance!

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-6685

To: Fritz, Matthew[Fritz.Matthew@epa.gov]; Pieh, Lusenil[Pieh.Lusenil@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Lapierre, Kenneth[lapierre.kenneth@epa.gov]; Purchia, Liz[Purchia.Liz@epa.gov]; Rupp, Mark[Rupp.Mark@epa.gov]; Carleton, Ron[Carleton.Ron@epa.gov]; Ali, Mustafa[Ali.Mustafa@epa.gov]; Tejada, Matthew[Tejada.Matthew@epa.gov]
Cc: Smith, Roxanne[Smith.Roxanne@epa.gov]; Hall, William[Hall.William@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Wooden-Aguilar, Helena[wooden-aguilar.helena@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; O'Lone, Mary[o'lonemary@epa.gov]; Harrell, Collette[Harrell.Collette@epa.gov]; Lee, Charles[Lee.Charles@epa.gov]
Sent: Mon 3/7/2016 2:49:44 PM
Subject: EPA OCR Complaint 11R-14-R4 (ADR)

Hello Matt F., Lu, John, Ken, Liz, Mark, Ron, Mustafa and Matt T. I'm writing to let you know that this morning, Marianne Lado Engelman of Earthjustice, the lead representative for complainants contacted me regarding REACH. the Title VI discrimination complaint which alleges race and national origin discrimination related to swine feeding operations in North Carolina. Ms. Lado Engelman advised that the complainants have concluded that ADR is unproductive; they therefore request that OCR reinstate its investigation. In requesting recommencement of the investigation, Ms. Lado Engelman stated:

"Finally, we wanted to mention that our initial mediation session was interrupted by an effort by the National and North Carolina Pork Councils to interject themselves into the mediation process. Despite the terms of ADR, which included a requirement that mediation be confidential, and despite our clear opposition to their self-styled "motion to intervene" in the complaint and mediation process, five representatives from the Pork Council appeared without notice to Complainants at the first mediation session. Their presence and insistence at playing a role in mediation delayed the start of our session and acted as a form of intimidation of our clients. Representatives from DEQ failed to object to the behavior. Indeed, quite the opposite, they tried to persuade Complainants to consent to bringing the Pork Councils into mediation. We thought it was relevant and important to bring these events to your attention."

FYI, in response to the councils' request to intervene in ADR, in or about January, I notified the requesters that the parties would have to agree to include them and that OCR does not participate in ADR. Ms. Lado Engelman was copied on the response.

As ADR has ended, OCR will relaunch its complaint investigation. Please don't hesitate to let me know if you have any questions.

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-7272

To: KeyesFleming, Gwendolyn[keyesfleming.gwendolyn@epa.gov]; Reeder, John[Reeder.John@epa.gov]
Cc: Packard, Elise[Packard.Elise@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; O'Lone, Mary[o'lane.mary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Turkevich, Paul[Turkevich.Paul@epa.gov]
Sent: Fri 11/7/2014 5:14:15 PM
Subject: REACH, Inc. - Complaint under Title VI of the Civil Rights Act of 1964 and EPA-DOJ 11.07.2014 Meeting
[North Carolina EJ Network et al Complaint under Title VI.pdf](#)
[REACH Inc 11.07.2014 Meeting Agenda - EPA and DOJ.docx](#)

From: Golightly-Howell, Velveta
Sent: Friday, November 07, 2014 12:05 PM
To: KeyesFleming, Gwendolyn; Reeder, John
Cc: Packard, Elise; Rhodes, Julia; O'Lone, Mary; Wooden-Aguilar, Helena; Covington, Jeryl; Farrell, Ericka; Turkevich, Paul
Subject: REACH, Inc., - Complaint under Title VI of the Civil Rights Act of 1964 and EPA-DOJ 11.07.2014 Meeting

Hi Gwen and John. We look forward to one or both of you joining this afternoon's meeting with DOJ reps. John, thank you for agreeing to reach out to Mike, Larry and possibly other DCROs whose programs are implicated by the claims to see if they can attend or send a rep. I've reached out to Ken LaPierre. Attached is the complaint and the agenda with the MCI connection info. We've taken the one proposed by DOJ and somewhat modified it. Thanks.

Velveta

From: Jocelyn D'Ambrosio [<mailto:jdambrosio@earthjustice.org>]
Sent: Wednesday, September 03, 2014 6:39 PM

To: Mccarthy, Gina; Title VI Complaints

Cc: Wooden-Aguilar, Helena; Tejada, Matthew; McTeerToney, Heather; HALIM-CHESTNUT, NAIMA; 'Daria.Neal@usdoj.gov'; 'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov';

Ex. 6 - Personal Privacy

Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

On March 7, 2014, the North Carolina Department of Environment and Natural Resources (“DENR”) issued a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos, and Native Americans in violation of Title VI of the Civil Rights Act of 1964 and EPA’s implementing regulations.

North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. (“Complainants”) hereby submit the attached complaint against DENR and request that EPA investigate the complaint and require that DENR come into compliance with the law.

As you may know, Complainants and other community members in eastern North Carolina have complained to DENR about the adverse effects of the swine industry on their health and environment for years, to no avail. Today, Complainants ask that EPA take action.

We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

Jocelyn D'Ambrosio and Marianne Engelman Lado

Jocelyn D'Ambrosio

Associate Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005

T: 212-845-7385

F: 212-918-1556

earthjustice.org



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From: Whickum, Cheryl

Location: DCRoomARN2528/DC-ARN-OCR-Rooms ((Dial In Number

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Importance: Normal

Subject: Meeting with US DOJ by Ms. Helena ___ re: Complaint under Title VI of the Civil Rights Act of 1964

Categories: EZ Record - Shared

Start Date/Time: Wed 9/24/2014 4:00:00 PM

End Date/Time: Wed 9/24/2014 5:00:00 PM

From: Wooden-Aguilar, Helena
Sent: Monday, September 22, 2014 10:01 AM
To: Harper, Nicko; Whickum, Cheryl
Cc: Packard, Elise; Golightly-Howell, Velveta; Rhodes, Julia; Covington, Jeryl; O'Lone, Mary
Subject: Fwd: Complaint under Title VI of the Civil Rights Act of 1964
Attachments: image001.gif

Hi ladies,

OCR needs to schedule a meeting with the US DOJ this week, if possible. I will ask DOJ who we should coordinate but wanted to give you a heads up in case there were days that worked better.

Thanks

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Date: September 18, 2014 at 2:20:14 PM EDT
To: "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov>
Cc: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>, "Jang, Deeana (CRT)" <Deeana.Jang@usdoj.gov>, "Lareau, Alyssa (CRT)" <Alyssa.Lareau@usdoj.gov>, "Fitzpatrick, Ryan (CRT)" <Ryan.Fitzpatrick2@usdoj.gov>, "Rhodes, Julia" <Rhodes.Julia@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "O'Lone, Mary" <OLone.Mary@epa.gov>

Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

Daria

Thanks for your email. I will check calendars and get back to you ASAP.

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Sep 18, 2014, at 12:49 PM, "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov> wrote:

Hi Velveta and Helena,

Ex. 5 - Deliberative Process/Atty Client

Can you let us know some dates over the next two weeks that you are available to meet?

Also, we are missing some parts of the exhibits. If you have the following, can you please email them to us.:

- Vol I - Exs 1-26. The pdf stopped at Ex 6, sub-exhibit 11 (We have Ex. 6, the Declaration of Larry Baldwin and sub-exhibits 1-11 of that Declaration but not sub-exhibits 12-17 of that declaration). We are missing Exhibits 7-26 in

their entirety.

• Ex 39 documents are very blurry. Did you all receive a clear copy?

Thank you so much.

Daria

From: Jocelyn D'Ambrosio [<mailto:jdambrosio@earthjustice.org>]
Sent: Wednesday, September 03, 2014 6:39 PM
To: 'mccarthy.gina@epa.gov'; 'Title_VI_Complaints@epa.gov'
Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov'; 'McTeertoney.heather@Epa.gov'; 'Halim-Chestnut.naima@Epa.gov'; Neal, Daria (CRT); 'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov';
Ex. 6 - Personal Privacy 'lbaldwin@waterkeeper.org'
Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

On March 7, 2014, the North Carolina Department of Environment and Natural Resources ("DENR") issued a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos, and Native Americans in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations.

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industry on their health and environment for years, to no avail. Today, Complainants ask that EPA take action.

We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

Jocelyn D'Ambrosio and Marianne Engelman Lado

Jocelyn D'Ambrosio

Associate Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005

T: 212-845-7385

F: 212-918-1556

earthjustice.org

<image001.gif>

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To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
From: Matthew, Dayna
Sent: Fri 2/27/2015 4:30:30 AM
Subject: REACH BRIEFING
REACH RESOURCE NOTEBOOK.docx

Velveta,

I've asked Ms. Whickum and Mr. Pernell to please copy the Reach Resource Binder I've made for your use. I am attaching a document containing the following in case you would like to review before our briefing tomorrow.

1. Table of Contents
2. Summary of the Complaint
3. Talking Points to Place Case in Title VI Protocol

If there is any mix-up on the copying, you may simply use the binder I have put together and we will insert a title page with your name on it that I've already prepared.

Best,

Dayna

Dayna Bowen Matthew

Senior Advisor to Director Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Room 2524B

Washington, D.C. 20460

Tel: 202-564-9621

To: KeyesFleming, Gwendolyn[KeyesFleming.Gwendolyn@epa.gov]; Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Reeder, John[Reeder.John@epa.gov]
Cc: Carter, Asha[Carter.Asha@epa.gov]
From: Matthew, Dayna
Sent: Wed 2/18/2015 10:08:50 PM
Subject: RE: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2).doc

Got it – we will get it done.

From: KeyesFleming, Gwendolyn
Sent: Wednesday, February 18, 2015 5:06 PM
To: Golightly-Howell, Velveta; Matthew, Dayna; Reeder, John
Cc: Carter, Asha
Subject: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2).doc

Here is the revised language. My meeting w/ Gina was moved, so I haven't shown it to her yet, but wanted you share with you. We should still be able to get this out this week. OGC has already approved the change.